

SENATE BILL 88 – POLICE OFFICER IMMUNITY
SENATE JUDICIARY COMMITTEE
MARCH 6, 2007

THANK YOU CHAIRMAN KUIPERS AND FELLOW COMMITTEE MEMBERS FOR YOUR WILLINGNESS TO TAKE UP SENATE BILL 88 FOR CONSIDERATION.

THIS LEGISLATION AMENDS MICHIGAN'S GOVERNMENT IMMUNITY STATUTE TO CLARIFY THAT A PEACE OFFICER WHO COMES TO THE AID OF AN INDIVIDUAL THAT IS THREATENED WITH IMMEDIATE AND SERIOUS INJURY OR DEATH -- BUT OUTSIDE THE GEOGRAPHICAL BOUNDARIES OF HIS OR HER EMPLOYING GOVERNMENTAL AGENCY -- IS IMMUNE FROM TORT LIABILITY.

I INTRODUCED SB 88 IN RESPONSE TO A CASE IN WHICH A PEACE OFFICER CAME UPON A CAR IN A DITCH IN A NEIGHBORING COMMUNITY AND STOPPED TO RENDER ASSISTANCE. HIS POLICE DOG WAS IN HIS VEHICLE.

WHEN THE OFFICER APPROACHED THE VEHICLE HE DISCOVERED A MALE PASSENGER ABUSING THE FEMALE DRIVER. THE OFFICER WAS TRYING TO PROTECT THE WOMAN WHEN THE MALE PASSENGER ATTACKED HIM. THE TRAINED POLICE DOG RESPONDED TO THE ATTACK BY SHIMMYING THROUGH THE HALF-OPEN WINDOW AND BIT THE PASSENGER.

THE PASSENGER LATER SUED THE CITY FOR PERSONAL INJURIES AND THE CITY REFUSED TO INDEMNIFY THE OFFICER BECAUSE THE

INJURY DID NOT OCCUR IN ITS JURISDICTION. AS A RESULT, THIS OFFICER WAS LEFT TO PERSONALLY DEFEND HIMSELF IN COURT AGAINST A CASE IN WHICH HE WOULD HAVE OTHERWISE BEEN IMMUNE IF IT WERE IN HIS EMPLOYERS' JURISDICTION

IF YOU WERE IN DANGER, YOU WOULDN'T WANT A POLICE OFFICER TO STOP AT A STREET CORNER BECAUSE YOU WERE BEYOND THEIR JURISDICTION. THE SUPPORT OF THEIR DEPARTMENT SHOULDN'T END AT AN IMAGINARY BORDER EITHER.

AGAIN, THANK YOU. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE.